

Practitioner's Docket No. KH-1794**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Heinrich et al.

Application No: 10 / 759,478

Group No.: 1742

Filed: January 16, 2004

Examiner: Mai, Ngoclan Thi

For: FINE-GRAINED SINTERED CEMENTED CARBIDE, PROCESS FOR  
MANUFACTURING AND USE THEREOF

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))**

NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in § 1.17(p)."

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

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**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Signature

Rhonda L. Sanders

(type or print name of person certifying)

Date: May 9, 2006

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 1 of 3)

NOTE: 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(9), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

NOTE: "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. § 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

**WARNING:** No extension of time can be had under 37 C.F.R. 1.136 (a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

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1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

- (1) a final action under § 1.113 or
  - (2) a notice of allowance under § 1.311,
- whichever occurs first.

### **STATEMENT OR FEE**

2. Accompanying this transmittal is

(check either A or B below)

A. ☐ a statement as specified in 37 C.F.R. § 1.97(e).

**OR**

B. ☒ the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 2 of 3)

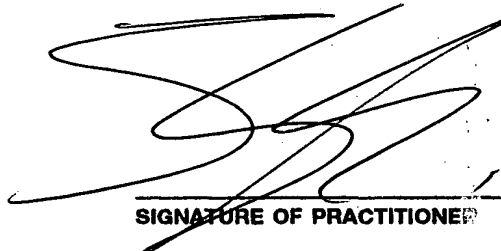
**METHOD OF PAYMENT OF FEE****3.**

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 180.00
- ☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_
- ☐ to Deposit Account No. \_\_\_\_\_
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

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- ☒ Charge any additional fees required by this paper or credit any overpayment in the ~~manner authorized above~~ to Deposit Account 02-2267

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**SIGNATURE OF PRACTITIONER**Stephen T. Belsheim*(type or print name of practitioner)*

Reg. No. 28,688

Tel. No.: (615) 662-0100

179 Belle Forrest Cr. Ste. 102

P.O. Address

Customer No.: 1400

Nashville, TN 37221

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 3 of 3)

Practitioner's Docket No. KH-1794**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: Heinrich et al.Application No: 10 / 759,478Group No.: 1742Filed: January 16, 2004Examiner: Mai, Ngoclan ThiFor: FINE-GRAINED SINTERED CEMENTED CARBIDE, PROCESS FOR  
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(type or print name of person certifying)

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(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 2 of 3)

**METHOD OF PAYMENT OF FEE**

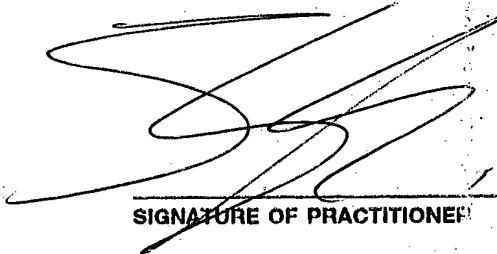
3.

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 180.00  
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**SIGNATURE OF PRACTITIONER**Stephen T. Belsheim

(type or print name of practitioner)

Reg. No. 28,688

Tel. No.: (615) 662-0100

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179 Belle Forrest Cr. Ste. 102

P.O. Address

Nashville, TN 37221

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 3 of 3)



KH-1794  
Patent

-1-

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with first class postage affixed, in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 9, 2006.

Signature

Rhonda L. Sanders

Date: May 9, 2006

Type or Print Name of Person Certifying

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of: Heinrich et al. )

Serial No. 10/759,478 )

Group Art Unit: 1742

Filed: January 16, 2004 )

For: FINE GRAINED SINTERED )

Examiner: Mai, Ngoclan Thi

CEMENTED CARBIDE, PRICES FOR )

MANUFACTURING AND USE THEREOF)

May 9, 2006

COMMISSIONER FOR PATENTS

Alexandria, Virginia 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants hereby request that the documents listed on the attached Forms PTO/SB/08A and PTO/SB/08B be made of record in the above identified application. A copy of each cited document accompanies this paper. If the documents have markings thereon, applicants do not intend to attach any significance to such markings.

These documents were generated in an opposition against the German counterpart (DE 101 35 790.7-45) to the above-captioned United States patent application. It appears that the opponent's brief and the patent documents were transmitted to assignee's German associate by the German Patent Office on February 22, 2006.

The accompanying Transmittal document sets forth the manner of payment of the fee (37 CFR § 1.17(p)) connected with the submission of this document under 37 CFR § 1.97(c) since the Notice of Allowance has not been mailed as of May 9, 2006 per an

In the application of: Heinrich et al.                   )  
Serial No. 10/759,478                                    )  
Filed: January 16, 2004                                 )     Group Art Unit: 1742

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

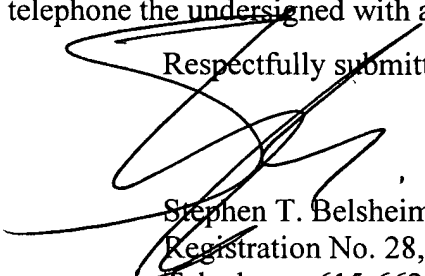
Page 2

inquiry of the status by the PAIR system.<sup>1</sup> Hence, applicants submit that the USPTO must consider this submission.

The Patent Examiner is urged to telephone the undersigned with any questions.

Respectfully submitted,

179 Belle Forrest Cir, Suite 102  
Nashville, TN 37221

  
Stephen T. Belsheim  
Registration No. 28,688  
Telephone: 615-662-0100

Date: May 9, 2006

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<sup>1</sup> Applicants note that PAIR indicates that the case has been allowed, but the Notice of Allowance has not been mailed as of May 9, 2006.





Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/759,478
		Filing Date	January 16, 2004
		First Named Inventor	Heinrich et al.
		Art Unit	1742
Examiner Name	Mai, Ngoclan Thi		
Sheet 2 of 2	Attorney Docket Number		KH-1794

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Opposition by Sandvik AB against DE 101 35 790 in German language (October 14, 2005)	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.